

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 6-7, 2002

Reference No.: 2.4a.(4)
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: APPEARANCE

RECOMMENDATION:

The Department of Transportation recommends the California Transportation Commission adopt Resolution of Necessity C-18653, which is the subject of this Appearance. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department of Transportation is requesting a resolution at this time. Adoption of Resolution of Necessity C-18653 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18653 - John B. Allen, et al.

10-Ama-49-KP 8.0 / 9.650 - Parcels 14784-1, 3, 4; 14785-1, 2, 3; 14786; 14791-1, 2 -EA: 049939 - Certification Date: 12/01/02 - RTL Date: 12/01/02 (Expressway) Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two temporary easement for sewer line construction, and two easement for utility purposes to be conveyed to city of Sutter Creek, located near the city of Sutter Creek near Sutter-Ione Road.

Attachment

10-AMA-49-PM7.750/9.650
R/W Parcel Nos.14784-1, 3,4;
14785-1,2,3; 14786; 14791-1,2
Grantor: JOHN B. ALLEN, et al.,

SUMMARY OF ISSUES

1. Current alignment is different from the previous alignment described in 1993.

During the environmental process, nine different alignments were studied with these being documented in the Environmental Impact Report and the Final Project Report. The alternatives and the studies were made available at a public meeting held in January 2001. Other alternatives had been considered and eliminated prior to environmental studies. Some considerations, but not all, in selecting the current alignment were:

- a. Community desires – determined through public meetings and consultations with the Amador County Transportation Commission, City of Sutter Creek, City of Amador City, and the Amador County Board of Supervisors
- b. Constructability
- c. Cost effectiveness
- d. Traffic circulation
- e. Minimize environmental impacts
- f. Expansion of the bypass to include Amador City

2. Request that the proposed right of way line be staked to allow assessment of impacts.

At the request of the property owners, the project right of way was staked during the weeks of September 16 and 23. No additional comments were received after the staking was completed.

3. Feel the proposed right of way is too wide and that the State is asking for an excessive amount of property.

It is proposed to construct a two-lane controlled access expressway on a new alignment bypassing the communities of Sutter Creek and Amador City. Included is the necessary right of way to construct two additional lanes to the west of the proposed construction from Valley View to Sutter-Ione Road. The additional lanes will be the southbound lanes of an ultimate four-lane facility. Amador County has long envisioned a four-lane freeway-connecting Route 16 with the Sutter Creek/Jackson area. The additional right of way was considered in environmental studies and is documented in the Environmental Impact Report. In addition to the acquisition of the right of way, surplus material from construction of the two lanes, which otherwise would be hauled offsite at an increased cost, is

scheduled to be used to construct embankments for the additional two lanes (ultimate four lanes). Drainage systems are also being lengthened in the widened areas. The City of Sutter Creek's 1994 and 1999 (approved but not adopted) Circulation Element of their General Plan designate this segment of Route 49 as a "Regional Arterial" and indicate it as a four-lane divided highway

4. How ranch operations are affected during construction.

This is a compensation issue. The parcels affected are four separate larger parcels ranging in size from 57.23 Acres to 289 Acres. The referral to ranch operations includes these four parcels, together with the parent ranch. As to the affected parcels, the ranching operation is an interim use only. Construction is however accommodating this existing ranch operation. The first order of work is scheduled to be the construction of a box culvert/cattle under-crossing at station 40+50±. During the construction of the under-crossing and prior to erection of the right of way fencing, safe crossing of cattle through the construction zone will be allowed after coordination between the construction contractor and the Property Owner's occurs. Upon completion of the under-crossing, installation of the right of way fence will follow allowing for continued ranch operations using existing ranch roads and the under-crossing without conflicting with construction operations. Other crossings during construction may be arranged between the State and contractor and the property owners at a later date if necessary. The property owners have requested the undercrossing location be slightly modified, see item #9 below.

5. Impacts to their ability to continue ranch operations after construction such as the need to reconstruct internal operating features including fencing ranch roads and cattle lanes.

The ability to perpetuate the existing internal ranch operations including fencing, roads, and cattle lanes, is a compensation issue.

6. "Location A" – Valley View

Perpetuate an existing easement in perpetuity and with unrestricted use for Allan Ranch Road and increase its width from 50' to 60' to meet current code requirements.

Allen Ranch Road, which provides access to the ranch homes and the eastern side of the parcels, lies on a 50-foot easement and is mostly an unimproved dirt road. The City of Sutter Creek has indicated that increasing the easement to 60-foot will not be required should the property owners choose to develop this road further. The easement itself is not affected by the acquisition of project right of way. The duration of the easement and any restrictions are not affected.

Perpetuate existing utilities from Valley View to Allen property across adjoining parcel (currently owned by Bowers-family members).

The State will perpetuate any existing utilities from Valley View to the Allen property that are currently under an easement through this property.

7. “Location B” – Station 33+00 (approximate)

Construct an additional box culvert/cattle under-crossing.

This is a compensation issue. Cost to construct must be justified from an appraisal compensation standpoint. An environmental amendment would be required due to construction outside of the Area of Potential Effects (APE) limits. The delay is estimated to be approximately two years. Project delay, as well as additional cost of construction does not make this a feasible option.

Adjust angle of proposed sewer conduit to align it with the property line.

The location of the proposed sewer conduit will be adjusted to meet the angle of the property line.

8. “Location C” – Station 35+00 (approximate)

Construct additional box culvert/cattle under-crossing.

This is a compensation issue. Cost to construct must be justified from an appraisal compensation standpoint. An environmental amendment would be required due to construction outside of the Area of Potential Effects (APE) limits. The delay is estimated to be approximately two years. Project delay, as well as additional cost of construction does not make this a feasible option.

9. “Location D” – Station 40+00+ (approximate)

Relocate proposed box culvert/cattle under-crossing to north of gulch to provide better access to parcel by aligning it with natural terrain.

This is a compensation issue. Design has reviewed the possibility of moving the proposed 14' x 14' box culvert/cattle crossing, identified in item 4 above, to the other side of the gulch at 40+50+. It has been determined that this is feasible and the plans are being modified to achieve this.

10. “Location E” – Sutter Creek

Provide an access road on the south side under the bridge. This is to allow ranch personnel and cattle to access east and west halves of the parcel. Also allows access from east parcel to west side and then across creek with access to Sutter-Ione Road via an existing ranch road.

This is a compensation issue. Although it may be physically possible to construct, costs to construct must be justified from a compensation viewpoint and would be part of the compensation package.

Impacts to the Mahoney Mill stone kiln on the north bank of Sutter Creek.

Environmental has reviewed the Historical Property Survey Report (HPSR) and found that the Mahoney Mill Kiln was in the study area and has been identified, addressed, documented. It has been determined to be ineligible for historical registry and, in addition, is not affected by this project.

Perpetuate existing utilities and provide for future utilities.

The existing sewer and water lines will be perpetuated but no future utilities will be provided. Recently previously undisclosed and unmapped sewer and water utilities located during the right of way staking will also be perpetuated.

11. “Location F” – Sutter-Ione Road

Perpetuate movement of cattle from across Sutter-Ione Road to Tonzi Road.

This is a compensation issue. Design has reviewed the location of Sutter-Ione Road and Tonzi Road and it has been determined that it is not physically possible to provide access across Sutter-Ione Road as Tonzi Road near Sutter-Ione will be obliterated during construction. The property owner’s ability to move cattle across Sutter-Ione Road and over to their other ranch ownership is a compensation item. Current access is limited to driving cattle down Tonzi Road as adjacent parcels are in separate ownership.

12. Miscellaneous Concerns

Tree planting/landscape screening to separate the ranch houses from the new highway.

Tree planting/landscape screening – Landscape Design is developing an oak tree mitigation plan which will provide for the planting of over 5,000 oak trees (Blue Oak and Live Oak) with several hundred oak trees going in both sides of the proposed roadway, along these parcels. Design of the tree planting plan is being separated from the primary construction contract to allow better management of the plant establishment period as well as to allow additional review and input from local agencies.

Contaminated soil – disposal and prevention of spread.

Contaminated soil – The State has a remediation plan in place to handle the removal and disposal of all hazardous materials encountered within the proposed construction limits, at no expense to these property owners.

Requested retention of rock walls within the proposed right of way.

Rock walls – The City of Sutter Creek and Amador County have expressed an interest in using the materials from the rock walls for landscaping projects on the ends of the new construction. As such, the contract requires the salvaging of any rocks within the project limits and storage of the rocks for later use in these projects. The ownership of the rocks is being evaluated as a compensation issue with the property owner.

Higher right of way fencing (6-feet) and the use of all barbed wire in lieu of barbed wire and wire mesh.

State owned and maintained highway access control fence. The right of way fence will be the State's standard 4½ foot standard stock fence. A 6-foot fence is not a standard for the State and, based on experience throughout the state, is not necessary.

Noise study results and affects on ranch houses.

Noise Study – The results of the State's noise study are included in Chapter 4 of the Environmental Impact Report. It has been determined that no substantial project-related traffic noise level increases would occur.

Control of importation of Star Thistle, a weed, during construction and as a part of regular maintenance of construction equipment.

Star Thistle – A contractor is required to clean all heavy equipment before and after leaving a construction site. Therefore, any equipment coming to this project will have been cleaned prior to its arrival. Regular maintenance practices will be performed after construction is complete.

Impacts on ranch residences from blasting during construction.

Impacts on Residences from blasting during construction – Geotechnical investigations indicate excavations will be difficult ripping. Some blasting is anticipated. Blasting is regulated by Title 8, Construction Safety Orders of the CalOsha Safety Rules and Regulations. The contractor will be required to have a blasting plan prior to commencement of blasting operations. The Safety Orders require the contractor to notify abutting property owners. If there are improvements in close proximity to the proposed blasting locations, the contractor may have the improvements evaluated prior to and after blasting. The contractor is required to use utmost care to not endanger life or property.

Drainage, especially in the Sutter-Ione Road area, and the impacts of concentration of flows and erosion.

Drainage – The drainage design was predicated on removing runoff from the highway right of way and conveying surface and stream waters originating upstream of the highway right of way to the downstream side. These waters have been addressed in the design. The subject waters cover drainage sheds and not just the area within the right of way. The primary goal is to perpetuate the natural drainage taking into account the risks, potential damage and adjacent properties. Mitigation for effects of channelizing flows has been incorporated in the design by the use of high velocity energy dissipaters at all pipe outlets and grass lined ditches. These design elements will minimize and control erosion. Prior to construction, the contractor will submit a water quality control and storm water pollution prevention plan detailing the temporary erosion control measures to be used during construction. This plan is subject to approval by Caltrans. Provisions are included in the plans for containment of hazardous material spills on the highway to protect sensitive waterways (in particular, the Allen pond).

Fire protection

Fire protection – Included in the standard specifications, the contractor will be required to have fire suppression equipment on site.

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA 10-Ama-49-KP R11.3/R17.7 (PM R7.0/R11.0) EA 049931

Location: In Amador County near the cities of Sutter Creek and Amador City.

Limits: From the junction with Route 104 (Ridge Road) to 0.3 kilometers
(0.2) south of Rancheria Creek Bridge.

Funding Source: 2002/2003 STIP

Number of Lanes: Existing Conventional highway: 2 lanes
Proposed Expressway highway: 2 lanes (right of way for
ultimate 4-lane facility)

Proposed Major Features: Expressway on new alignment with existing highway to be
relinquished to local agencies.
Reconstruct Route 49/Valley View/Old Highway 49
intersection.
Construction of two bridge structures.

Traffic: Existing 1999 ADT – 15,000
Proposed 2025 ADT – 26,000

PARCEL DATA

Property Owner: John B. Allen, et al.,
Attorney: Mr. John B. Allen, Jr. (209 223-5705)

Parcel Location: In Amador County near the city of Sutter Creek near Sutter-Ione
Road.

Present Use: Cattle Ranch

Area of Property: Parcel 14784 = 105.28 Acres
 14785 = 57.23 Acres
 14786 = 91.64 Acres
 14791 = 289.0 Acres

Area Required: Parcel 14784 = .01 Acres in Fee .09 Acres in Easement and
 .17 Acres in Temporary Construction Easement
Parcel 14785 = 6.01 Acres in Fee; .12 Acres in Easement
 .10 Acres in Temporary Construction Easement

Parcel 14786 = 18.42 Acres
Parcel 14791 = 13.15 Acres

10-AMA-49-PM7.750/9.650
R/W Parcel Nos.14784-1,3,4;
14785-1,2,3; 14786; 14791-1,2;
Grantor: JOHN B. ALLEN, et al.

RESOLUTION OF NECESSITY REVIEW PANEL REPORT

The Resolution of Necessity Review Panel met September 12, 2002 in Stockton. The Panel members consisted of Deborah Gebers, Headquarters Right of Way (Chair), Richard B. Williams, Headquarters Legal Division and Linda Fong, Headquarters Design Division. The property owners in attendance at the meeting were Mr. John B. Allen, Jr., Esq., as an individual and as a representative of the Allen family; John B. Allen, Sr.; Robert Allen and Vera M. Allan.

This report summarizes the findings of the Review Panel with regard to the four criteria required for a Resolution of Necessity and makes recommendation to the Chief Engineer.

NEED FOR THE PROJECT

Problem Deficiencies and Justification

The core purpose of this project is to alleviate congestion in the City of Sutter Creek and the City of Amador City by providing an alternate route for the safe movement of people, goods, and services. By decreasing congestion, which has potential adverse effects on the economic viability of business districts, the project can preserve the historic communities of Sutter Creek and Amador City.

The Amador 49 Bypass is needed because the existing uncontrolled access facility is congested and does not meet current standards for sight distance, curvature, or roadbed width. Constructing a new roadway meeting current safety and design standards would improve traffic and pedestrian safety and address current and expected future travel demand.

The following objectives were developed by the Project Development Team to help address the transportation problems identified in the historic communities of Sutter Creek and Amador City. The objectives include:

- Correcting roadway deficiencies
- Improve traffic and pedestrian safety
- Decrease congestion
- Preserve the historic corridor
- Encourage tourism

Regional and System Planning

The long-range concept for this segment of Route 49 is a four-lane access controlled highway on new alignment bypassing the communities of Sutter Creek, Amador City and Drytown. The concept Level of Service is C. This proposed project is consistent with the Route Concept. A two-lane expressway and truck-climbing lane will provide the concept level of service for the 20-year design period. This project remains Amador County's Number 1 priority project and is included in their 1998 RTIP and proposed 2002 RTIP. This proposed project was developed in cooperation with the Amador County Transportation Commission, affected local jurisdictions and the public.

In 1997, the counties of Amador, Calaveras and Alpine decided to "pool" their STIP allocations for programming purposes. In 1998, a Memorandum of Understanding (MOU) was executed between Amador, Calaveras and Alpine Counties. The MOU outlined county project priorities: the Amador Bypass for Amador County, Angels Camp Bypass for Calaveras County and two passing lanes on Route 4 and Route 88 for Alpine County. The Counties agreed to "pool" their future allocation until all remaining projects were programmed.

Traffic

Currently, the Average Daily Traffic (ADT) on State Route 49 along the proposed project limits varies from 12,500 vehicles south of the City of Sutter Creek (peak hour 600 vehicles) to 7,000 vehicles north of the City of Amador City (peak hour 500 vehicles). Approximately 8.0% of that volume is truck traffic (6.5% estimated during peak hour). The average speed through the City of Sutter Creek is approximately 48 km/h (30 mph) and the existing Level of Service varies from D to E.

The ADT for the year 2025 is projected to be 25,500 vehicles south of the City of Sutter Creek (peak hour 1120 vehicles) and 16,000 vehicles north of the City of Amador City (peak hour 910 vehicles). The projected Level of Service will deteriorate to F in the year 2007 if no improvements are made. As mentioned earlier, the proximity of many historical structures to the roadway within the business districts of Sutter Creek and Amador City preclude the widening of existing Route 49 to provide additional traffic capacity. Meanwhile, traffic volumes (including truck traffic) have increased adding to the further deterioration of the traffic Level of Service. The proposed bypass project would provide an acceptable Level of Service for the 20-year design period.

PROJECT DESIGN

It is proposed to construct a controlled access expressway primarily on new alignment from the junction of Route 104 (Ridge Road) to 0.3 km (0.2 mi.) south of Rancheria Creek. This new roadway will be 6.4 km (4.0 mi.) in length and will vary in width from two to five lanes. It will bypass the historic communities of Sutter Creek and Amador City.

A five-lane section is proposed from Route 104 (Ridge Road) northward to the new Valley View Drive/old Route 49/new Route 49 intersection, a distance of 0.54 km (0.33 mi.). The new Valley View Drive/old Route 49/new Route 49 intersection will be signalized as part of this project. This five-lane section will require widening of the existing four-lane section between Ridge Road and the existing Valley View Drive/Route 49 intersection and the addition of standard shoulders. Widening in this location will be primarily to the west side of the road as there are several commercial accesses on the east side of the roadway. Those accesses will remain (with one exception) and this is the only section of the new Bypass that will not be fully access controlled.

To maximize safety, the only access that will be altered is the access from the east side of Route 49 into the Sutter Terrace Mobile Home Park. The access will be rerouted and reconnected to nearby Bryson Drive, which will connect to old Route 49.

From the Valley View Drive/old Route 49/new Route 49 intersection, the proposed alignment heads northwesterly until it reaches Sutter Creek, which it will cross with a bridge. The Sutter Creek Bridge will be 185 meters (607 ft.) in length and will also span over the nearby sewage treatment plant. From there the proposed alignment heads northwesterly until it reaches Sutter-Ione Road. Sutter-Ione Road will be realigned and connected to the new bypass with an at-grade four-legged intersection. This intersection will not be signalized as part of this project, but eventually may be signalized when signal warrants are met. Initially, stop signs will be placed on Sutter-Ione Road.

The section between the new Valley View Drive/old Route 49/new Route 49 intersection and the new Route 49/Sutter-Ione Road intersection will be constructed as a two-lane roadway with standard 3.6 meter lane widths and 2.4 meter shoulder widths. However, it is considered to be only the northbound half of an ultimate four-lane divided expressway. Right of way for the ultimate 4-lane divided expressway will be purchased on the west (southbound) side of the bypass to accommodate future widening.

From the new Route 49/Sutter-Ione Road intersection the proposed alignment parallels Tonzi Road for approximately 1.5 km (0.93 mi.) and then heads northwesterly. Tonzi Road will be reconnected with the bypass at an unsignalized intersection on the west side of the road approximately 1.55 km (0.96 mi.) north of the new Route 49/Sutter-Ione Road intersection. The east connection of Tonzi Road will function primarily as a joint-use private driveway.

From the Tonzi Road connection, the proposed roadway will turn northeasterly until it reaches Amador Creek, which it will cross with a bridge. The Amador Creek Bridge will be 189 meters (620 ft.) in length.

Between the west Tonzi Road connection and the Amador Creek Bridge, the proposed roadway will have a sustained grade of 7.0%. A design exception was approved on August 15, 2000. A southbound truck climbing lane from approximately 400 meters south of the west Tonzi Road connection to immediately south of the Amador Creek

Bridge, a length of approximately 1.9 km (1.2 mi.) is proposed to mitigate for the sustained uphill grade.

North of the Amador Creek Bridge, the new alignment will reconnect to existing Route 49 at a point approximately 0.2 km south of the Rancheria Creek Bridge (Br. No. 26-17, KP 19.54, PM 12.144). Old Route 49 will be connected to the bypass via an at-grade T-intersection to the right.

Existing Route 49 from the new Valley View Drive intersection to the old Route 49/new Route 49 connection north of Amador City will be relinquished to the City of Sutter Creek, the City of Amador City and Amador County as appropriate.

NEED FOR SUBJECT PROPERTY

The parcels are located along the alignment of the proposed bypass. The bypass generally splits the subject parcels leaving remainders on both the west and east sides of the expressway right of way. The properties are required for construction of the Route 49 expressway, the new Route 49/Sutter Ione Road intersection and relocation of public sewer facilities. The parcels cannot be avoided.

Parcel Descriptions

The following four (4) parcels are required from the Allen family members. All of these parcels are located near the city of Sutter Creek and near Sutter-Ione Road.

1. Parcel No. 14784-1, 3, and 4: vacant land comprising .01 Acres Fee; .09 Acres Easement and .17 Acres TCE, and is zoned R1-A.
2. Parcel 14785-1, 2, and 3: vacant land comprising 6.08 Acres Fee; .12 Acres Easement and .10 Acres TCE, and is zoned R1-A.
3. Parcel 14786: vacant land comprising 18.42 Acres, and is zoned R1-A.
4. Parcel 14791-1,2: vacant land comprising 13.15 acres, and is zoned RL (PD) and AG excl. 40 Acre minimum.

STATUTORY OFFER TO PURCHASE

The Department has appraised the subject property and offered the full amount of the appraisal to the owners of record.

PANEL RECOMMENDATION

The Panel Concludes that the District's design complies with Section 1245.230 of the Code of Civil Procedure in that:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.
- The property to be condemned is necessary for the proposed project.
- An offer to purchase in compliance with Government Code Section 7267.2, has been made to the owners of record.

The Panel recommends submitting a Resolution of Necessity to the California Transportation Commission.



DEBORAH GEBERS
Panel Chair

I concur with the Panel's recommendation:



BRENT FELKER
Chief Engineer

PERSONS ATTENDING SECOND LEVEL REVIEW PANEL
HEARING ON MARCH 25, 2002

Deborah Gebers, Right of Way, Panel Chair
Richard B. Williams, Attorney, Panel Member
Linda Fong, Design, Panel Member

John B. Allen, Sr, Property Owner
John B. Allen, Jr. (Esq.) Property Owner
Robert Allen, Allen Ranch
Vera M Allen, Allen Ranch

Mark Leja, District 10 Director
Sharon Parsons, District 10, Senior Right of Way
Pat Teczon, District 10, Design STKN
Mike Lahodny, District 10, Supervisor Right of Way
Rob Effinger, District 10, Project Management
Lou Douada, District 10, Design
Ken Cozad, Headquarters, Design
Vern Rhinehart, Headquarters, Supervisor Right of Way

CHRONOLOGY OF CONTACTS WITH THE PROPERTY OWNERS:

6-21-02– Sharon Parsons spoke to Mr. John Allen on the telephone

6-25-02 – John Allen, Jr. telephoned Linda Kibler.

7-3-02 – Linda Kibler and Sharon Parsons, met with John B. Allen, Jr; John Allen, Sr. and George Allen.

7-8-02 – Linda Kibler called Mr. and Mrs. Bowers

7-10-02 – Linda Kibler met with the Bowers and the Munns.

8-10-02 – Sharon Parsons called John Bowers, Jr. Linda Kibler called and spoke to Mr. Bowers.

8-13-02 - Linda Kibler and Sharon Parsons met with John B. Allen, Jr., John Allen, Sr. and George Allen. Linda Kibler met with Mr. and Mrs. Bowers

8-19-02 – Betty Ann Dal Porto mailed Notice of Intent letters to all owners of record, for the October 2-3, 2002 CTC meeting.

9-3-02 – Deborah Gebers spoke with Mr. John Allen, Jr. on the telephone.

9-4-02 – Linda Kibler mailed letters to all owners of record.

9-5-02 – Linda Kibler received a voice mail message from Mr. Munn requesting that she FAX a copy of the letter to his son who may want to attend the Level One on their behalf.

9-6-02 – Deborah Gebers mailed acknowledgement of receipt of letter.

9-10-02 – First Level hearing occurred, in attendance from district 10 was Linda Kibler; Mike Lahodny; Sharon Parsons; Ken Cozak; Mark Leja; Pat Teczon; Rob Effinger; and Lou Douada. In attendance from the Allen family was John Allen, Sr.; John Allen, Jr.; Vera M Allen; and

9-12-02 – Second Level hearing occurred. Caltrans attendance included Panel Memebers Linda Fong; Deborah Gebers and Richard Williams. Other attendees from Caltrans included Vern Rhinehart; Ken Cozad; Mark Leja; Pat Teczon; Mike Lahodny; Sharon Parsons; Rob Effinger; and Lou Douada. From the Allen family in attendance was John B. Allen, Sr; John B. Allen, Jr.; Robert Allen; and Vera M. Allen.

9-16-02 – Deborah Gebers mailed a letter to Mr. John Allen.

9-24-02 – Deborah Gebers mailed a letter to Mr John Allen.

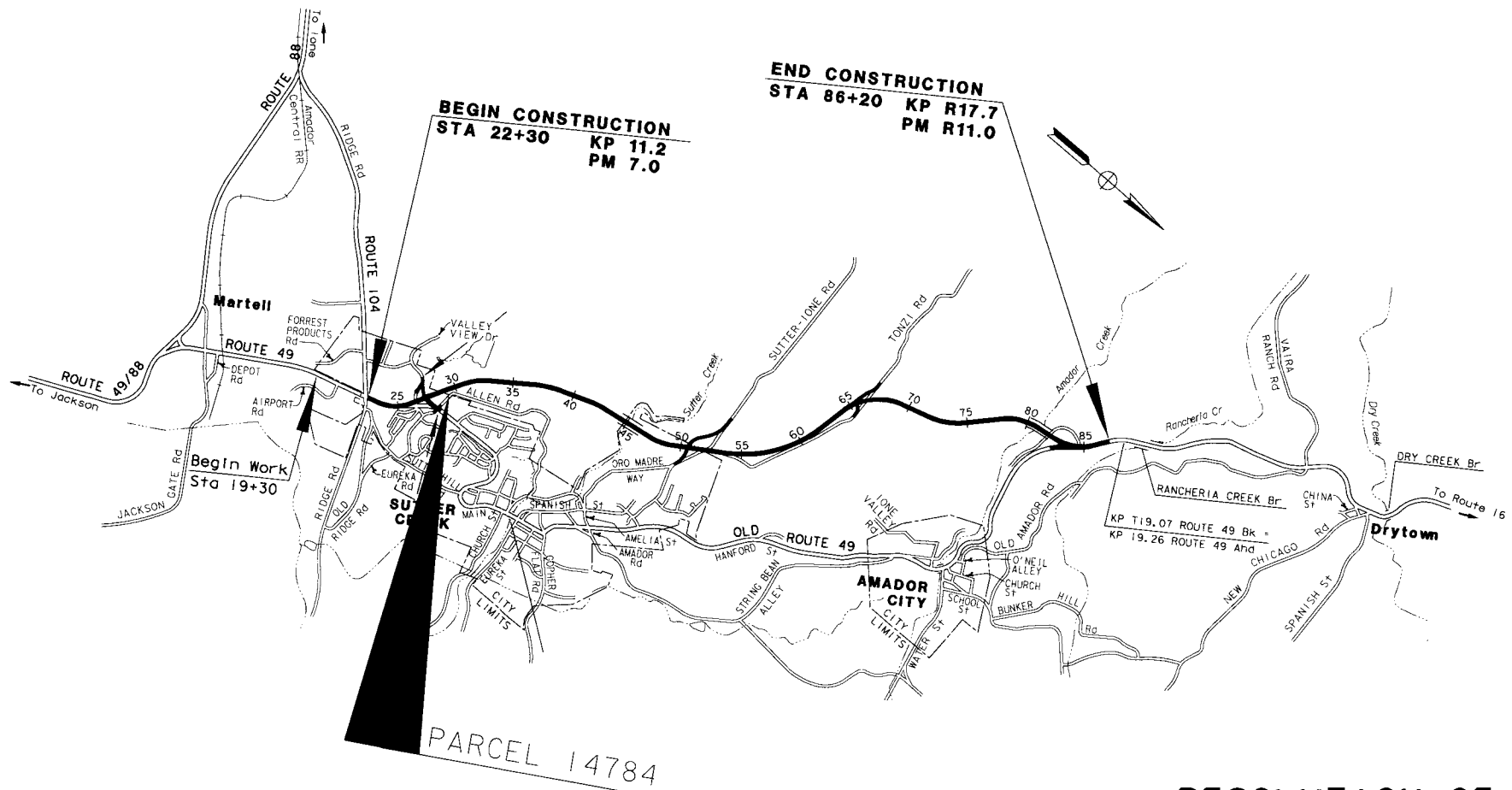
10-15-02 – Sharon Parsons, Mike Lahodny and Pat Teczon met with John Allen Sr., John Allen Jr., and Robert Allen.

10-16-02 – Sharon Parsons spoke with Mr. John Allen on the telephone.

EXHIBIT B



NOT TO SCALE

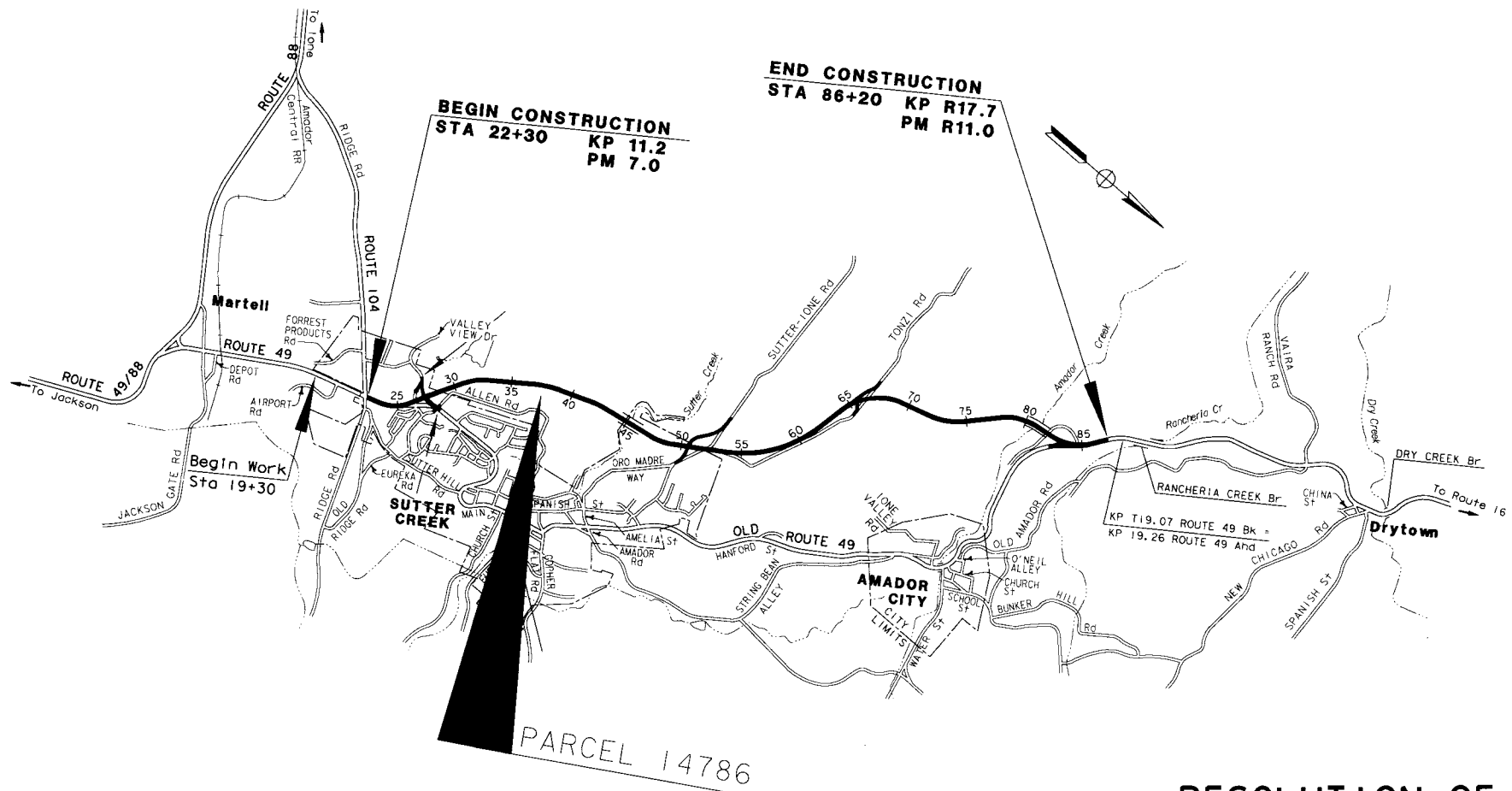


**RESOLUTION OF
NECESSITY MAP**
10-AMA-49 K.P. R8.000

EXHIBIT B



NOT TO SCALE

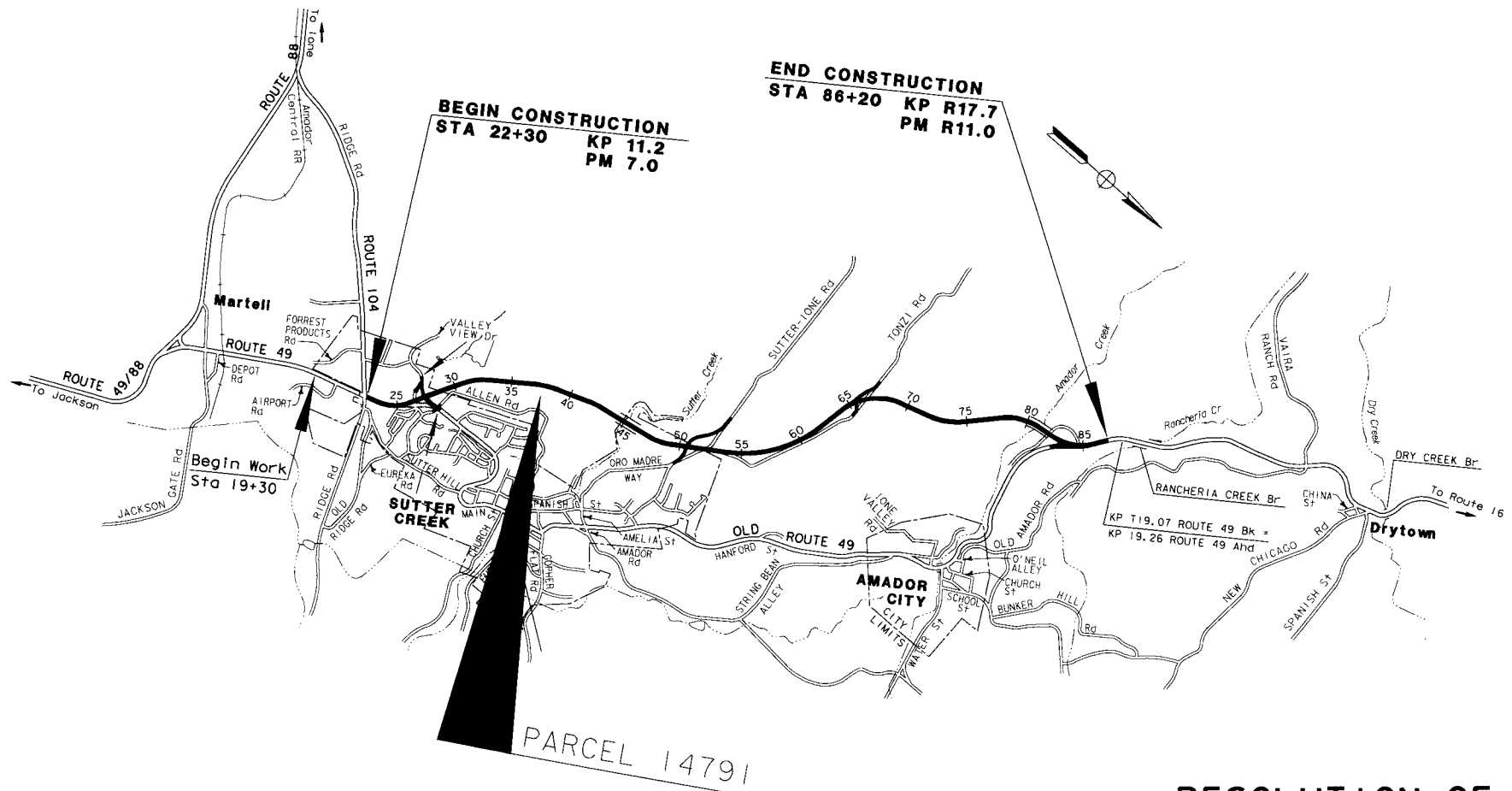


**RESOLUTION OF
NECESSITY MAP**
10-AMA-49 K.P. R8.750

EXHIBIT B



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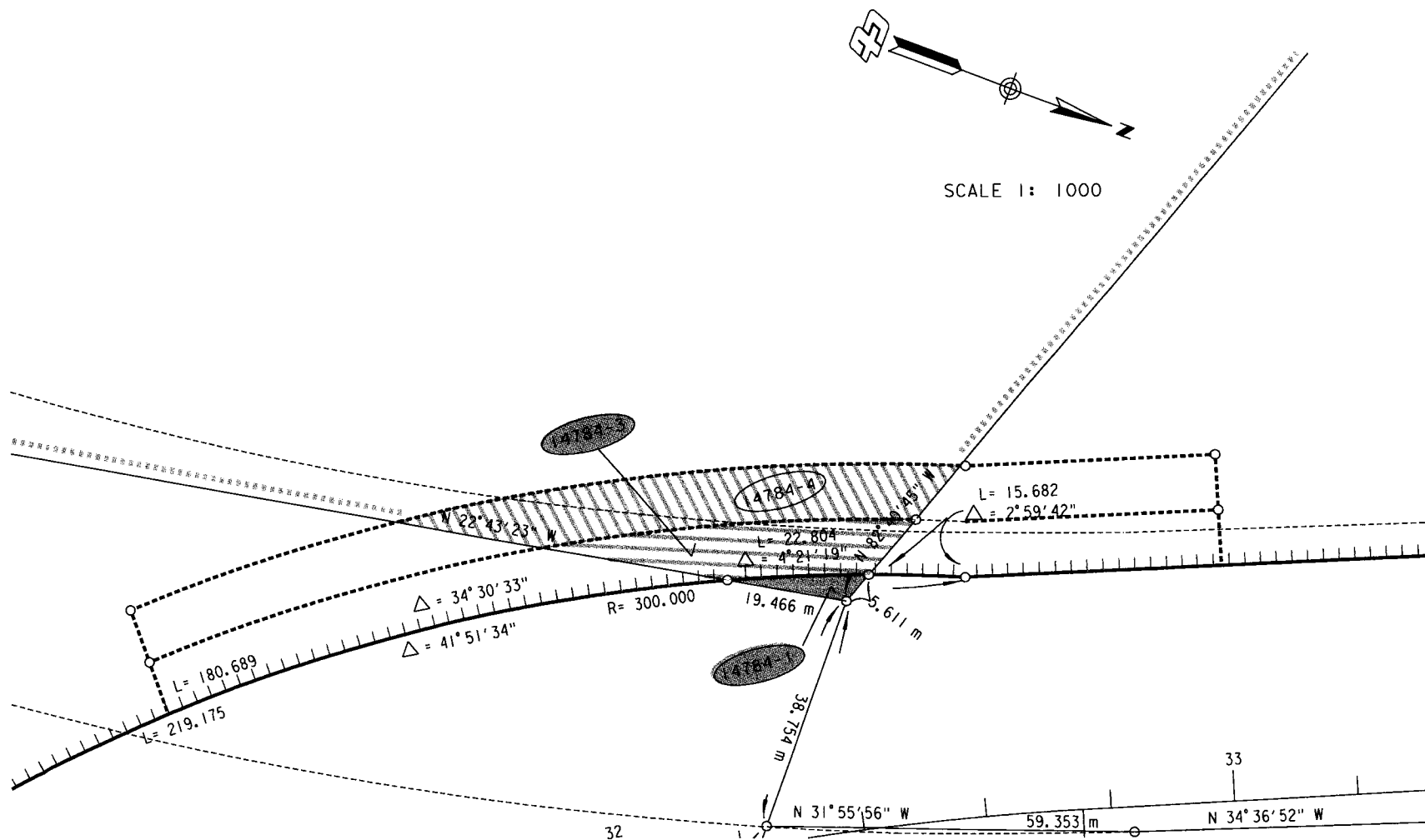


RESOLUTION OF NECESSITY MAP

10-AMA-49 K.P. R9.650

T.6 N., R.11E., M.D.M.
Section 7

EXHIBIT C
PAGE 4 OF 16



CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate
System of 1983, Zone 2. Units are in meters and
bearings and distances are on grid. Multiply by
1.0000760 to convert to ground distances.



RESOLUTION OF
NECESSITY MAP

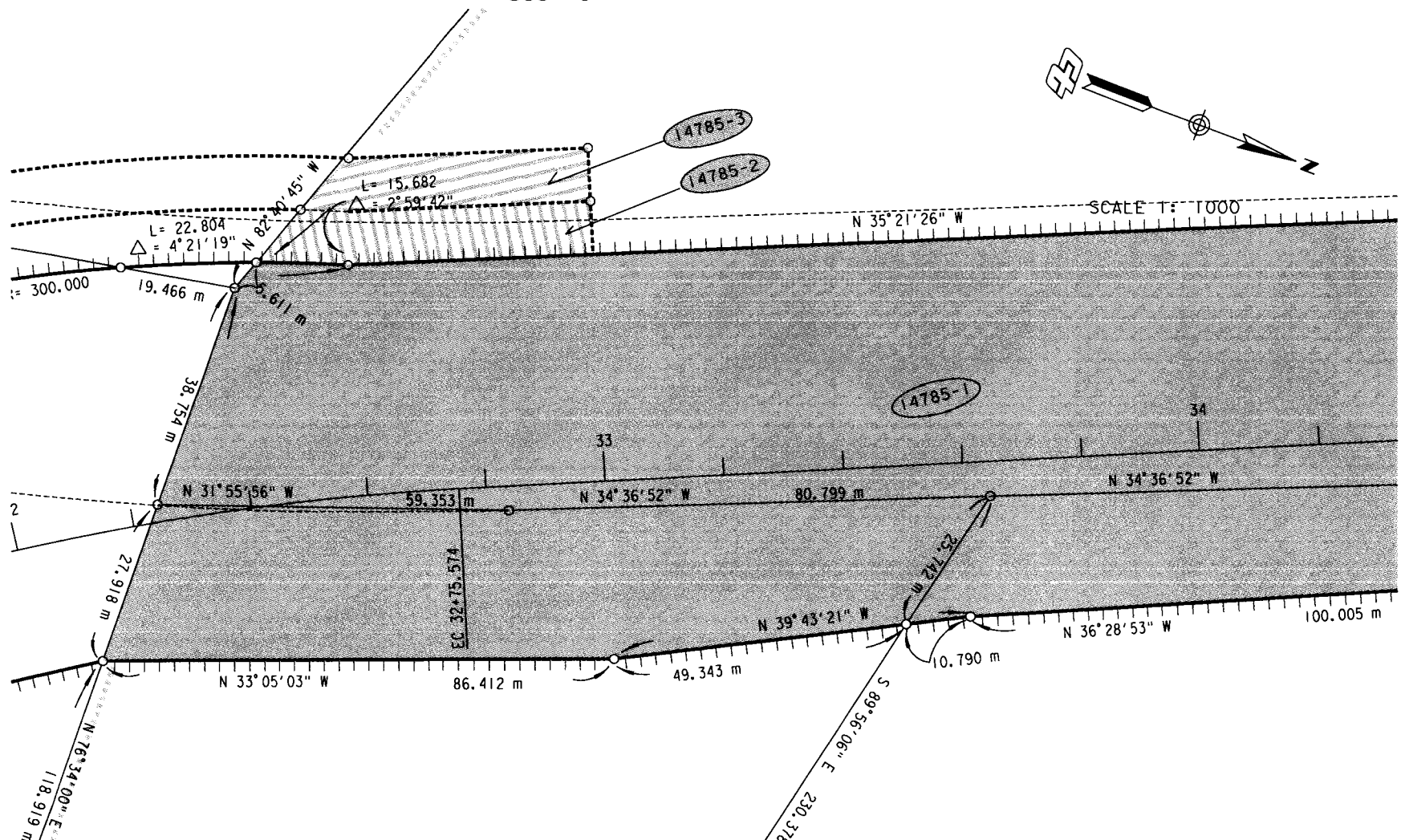
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Section 7

EXHIBIT C

PAGE 5 OF 16



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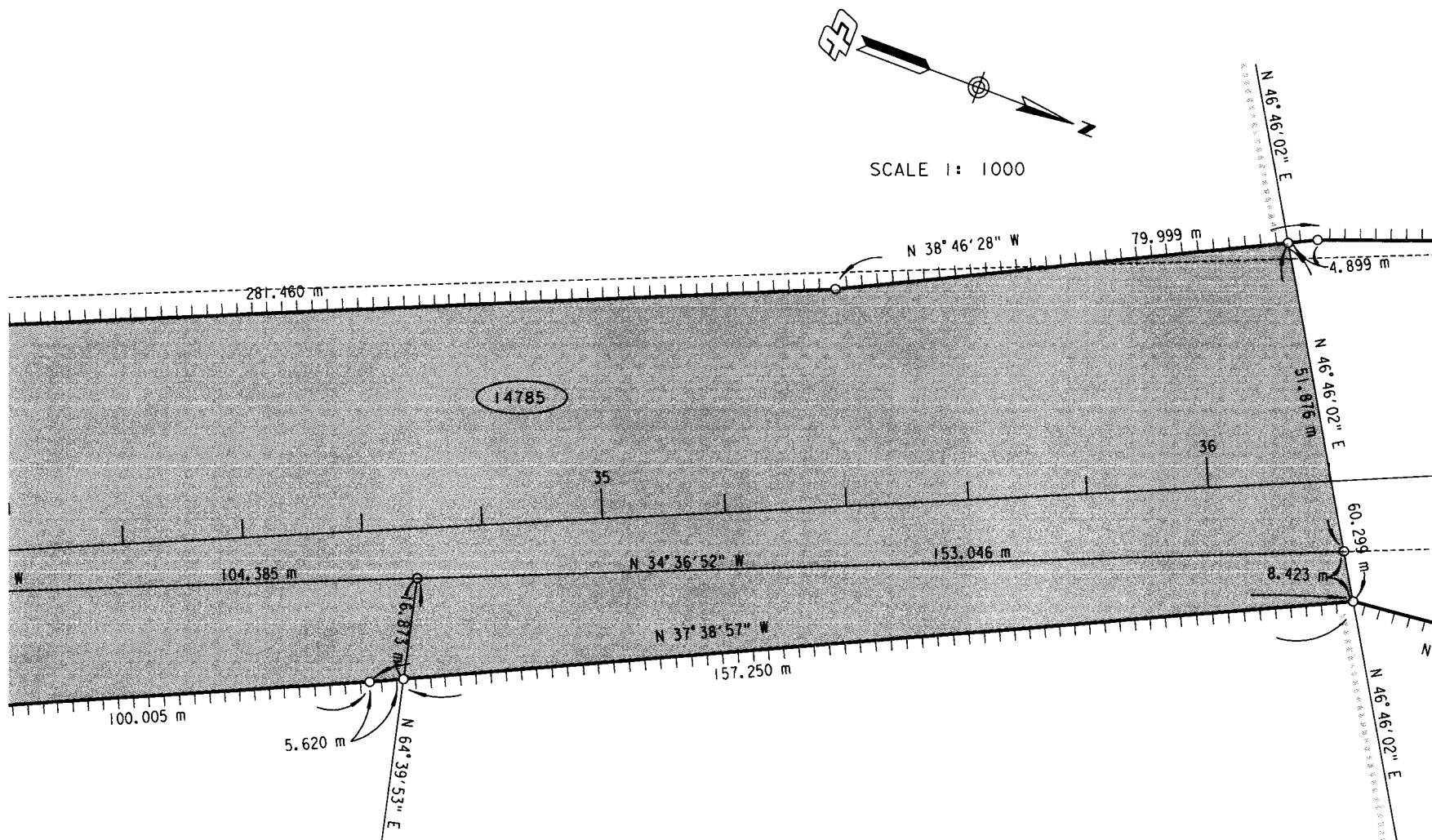


RESOLUTION OF NECESSITY MAP

10-AMA-49 K.P. R8.050

T. 6 N., R. 11 E., M. D. M.
Section 7

EXHIBIT C
PAGE 6 of 16



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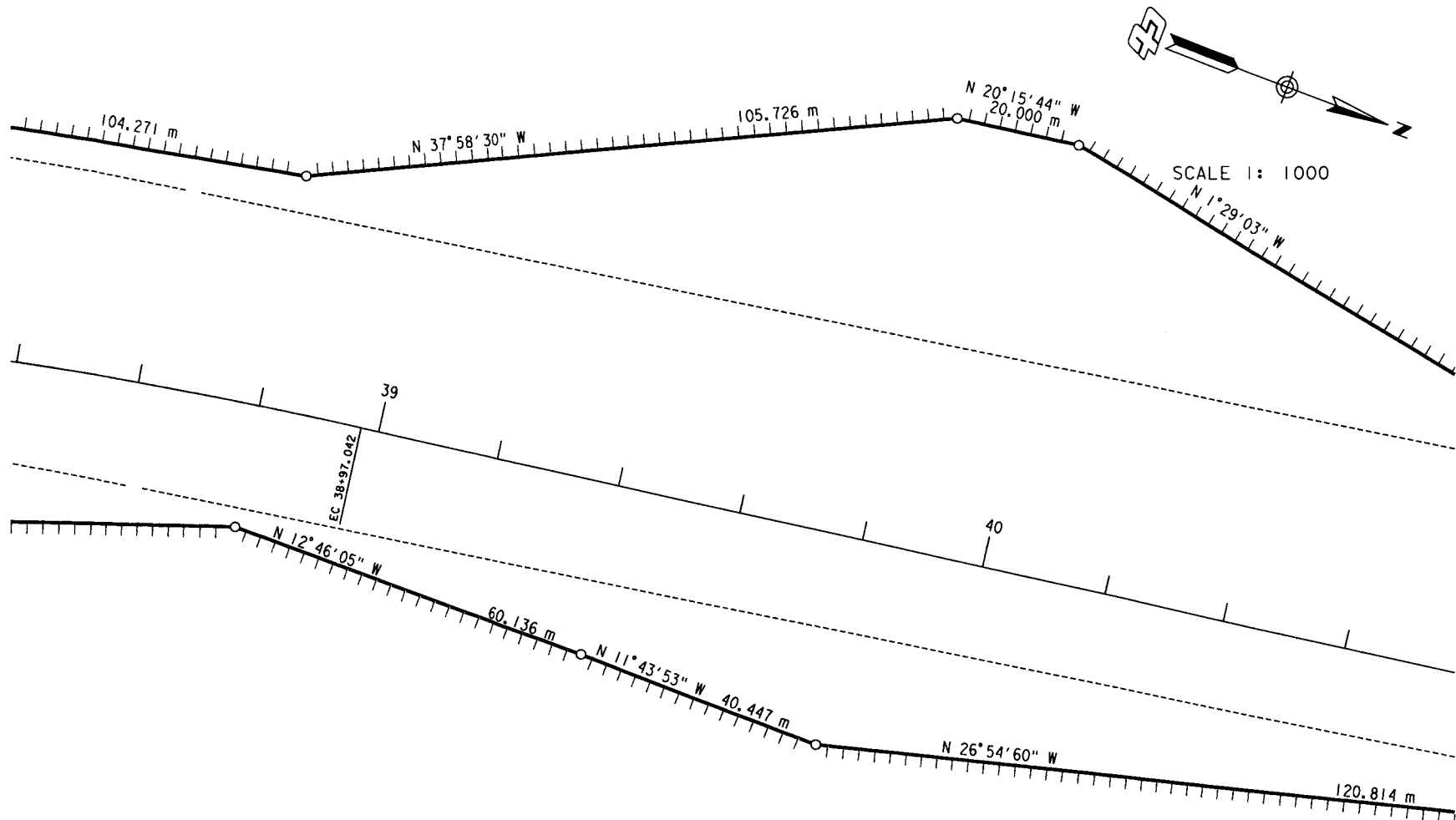
10-AMA-49 K.P. R8.050

EXHIBIT C
PAGE 7 OF 16



T. 6 N., R. 11 E., M. D. M.
Section 7

EXHIBIT C
PAGE 8 OF 16



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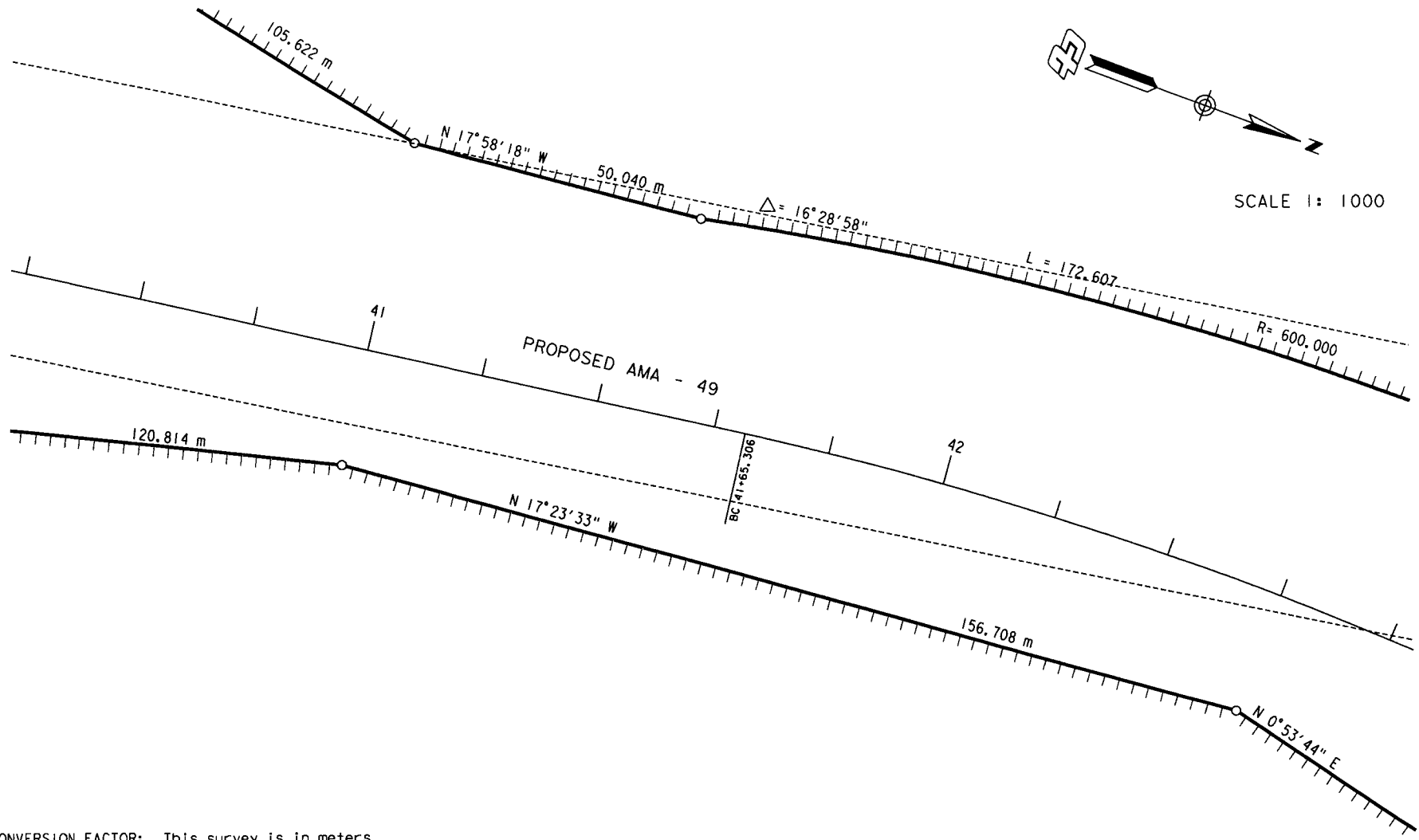


RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R8.750

T. 6 N., R. 11 E., M. D. M.
Section 7

EXHIBIT C
PAGE 9 OF 16



CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate
System of 1983, Zone 2. Units are in meters and
bearings and distances are on grid. Multiply by
1.0000760 to convert to ground distances.

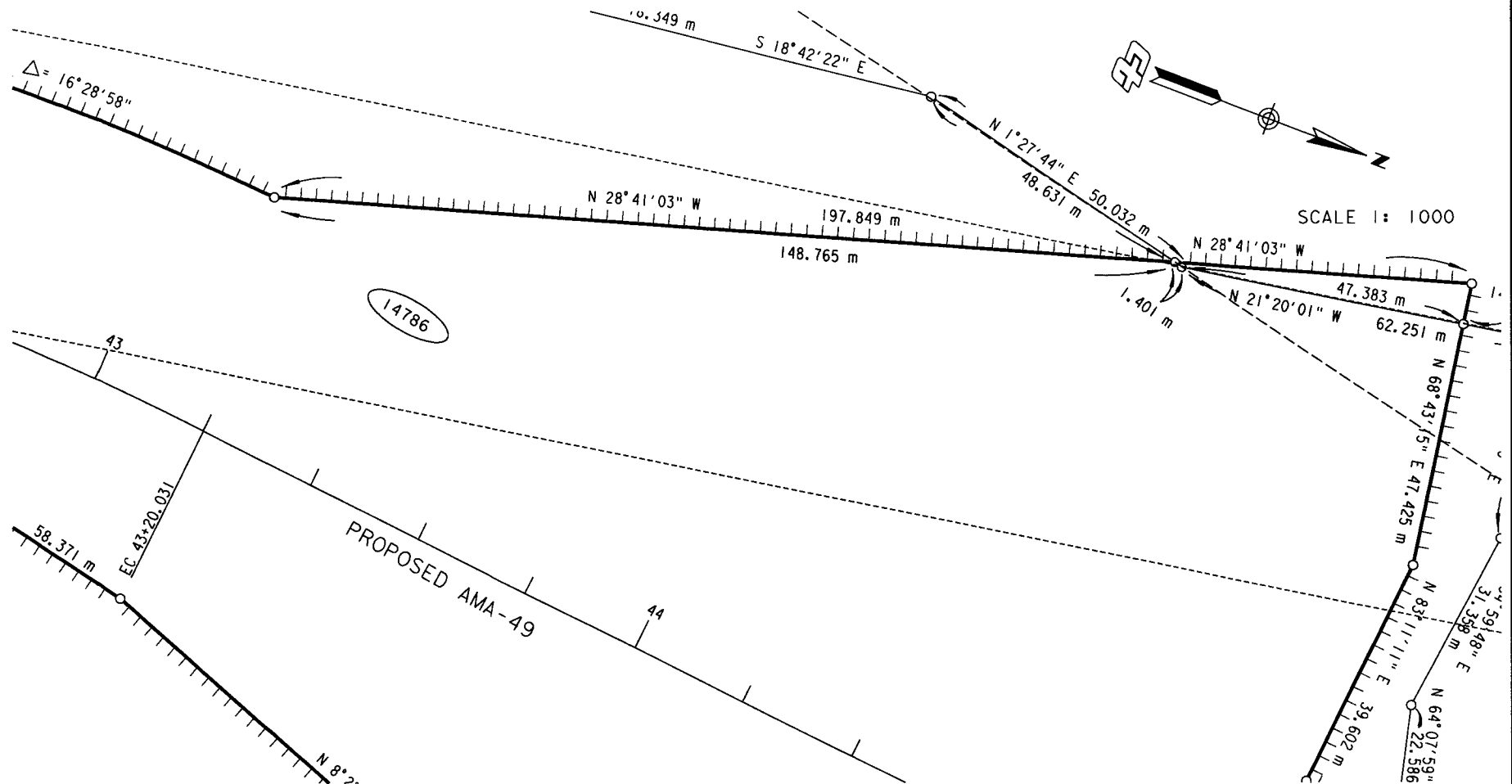


RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R8.750

T. 6 N., R. 10E., M.D.M.
Section 12

EXHIBIT C
PAGE 10 OF 16



T. 6 N., R. 11E., M.D.M.
Section 7

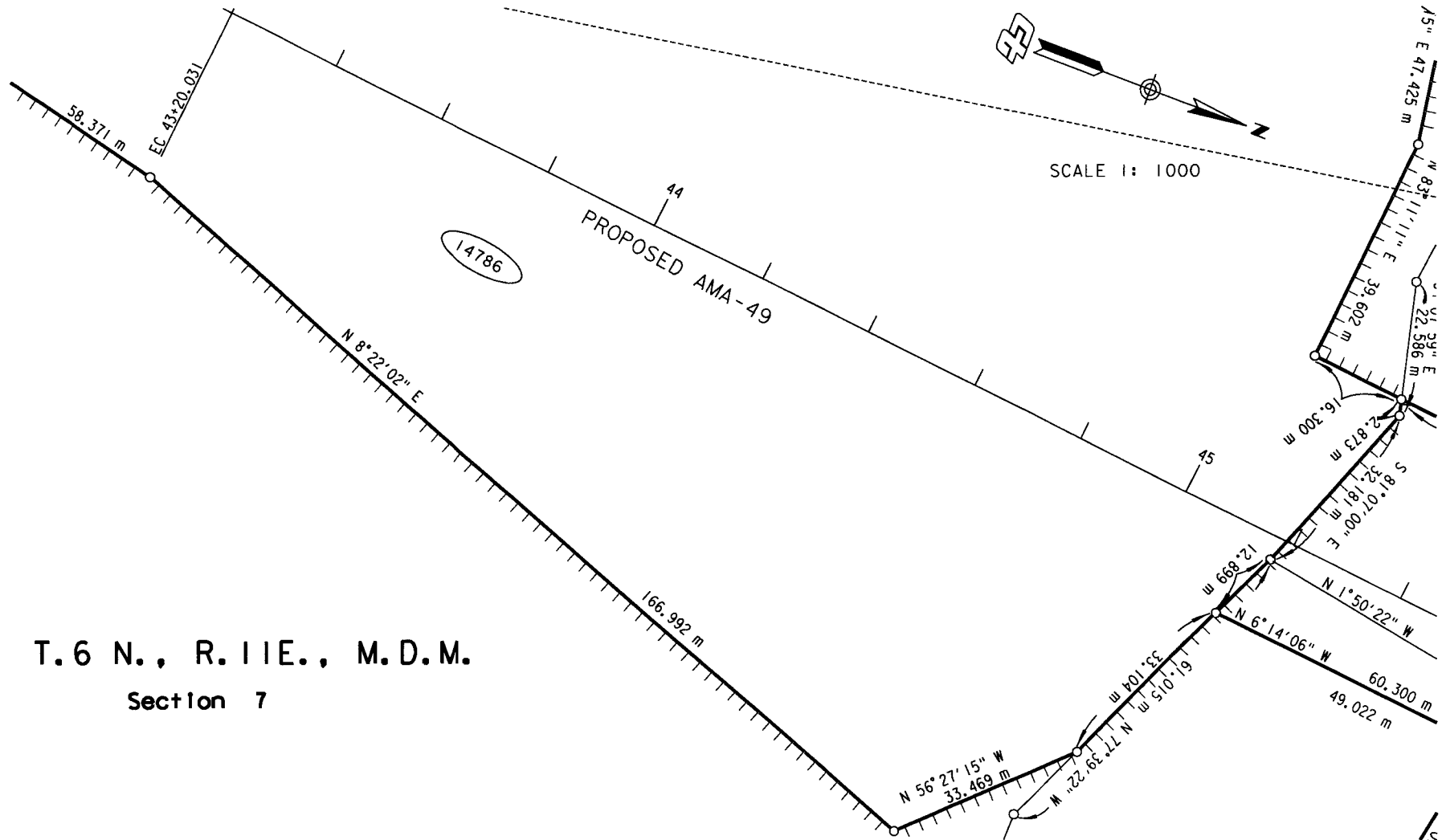
CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate
System of 1983, Zone 2. Units are in meters and
bearings and distances are on grid. Multiply by
1.0000760 to convert to ground distances.



RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R8.750



T.6 N., R.11E., M.D.M.
Section 7

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

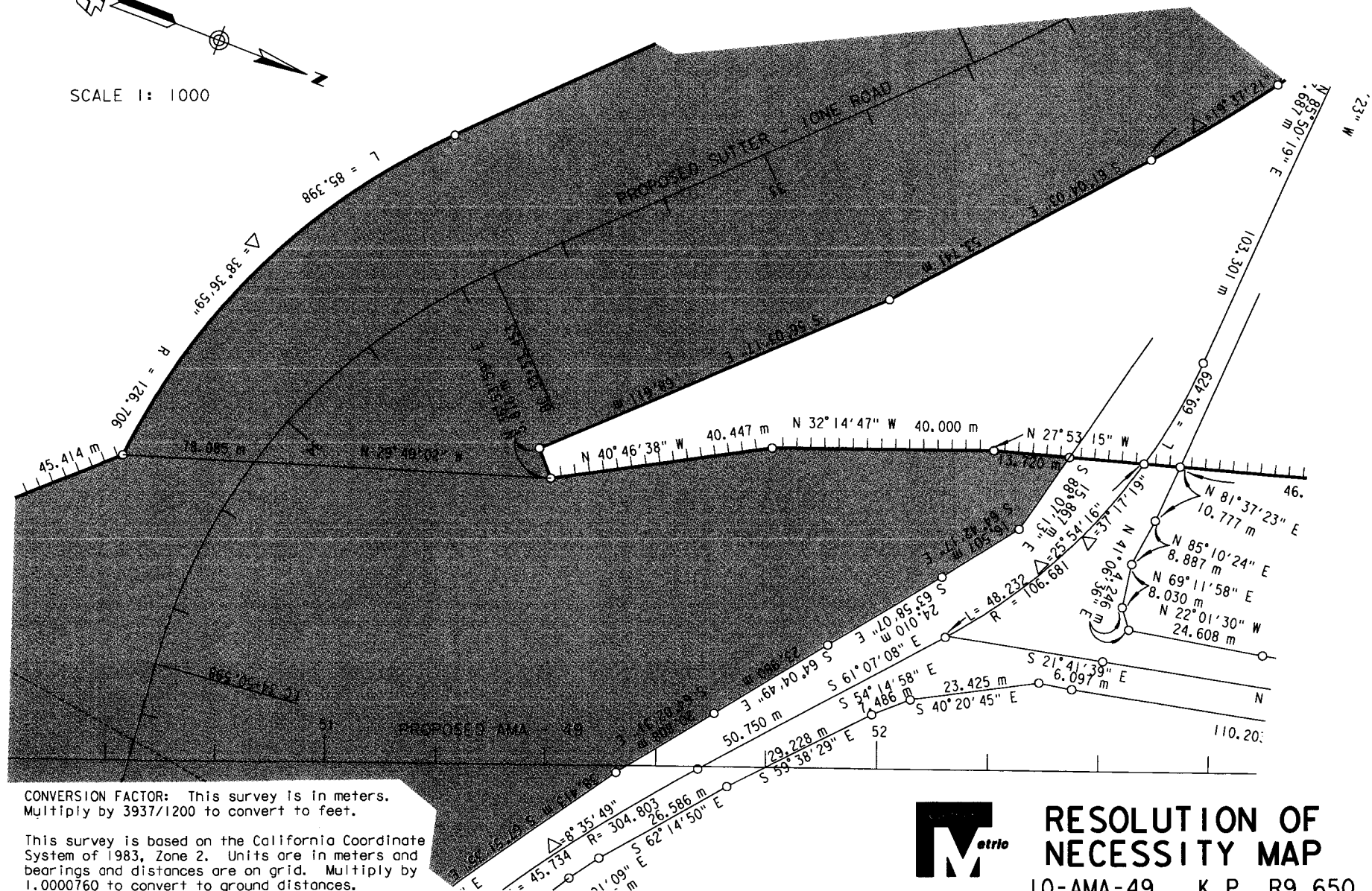
This survey is based on the California Coordinate
System of 1983, Zone 2. Units are in meters and
bearings and distances are on grid. Multiply by
1.0000760 to convert to ground distances.



RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R8.750

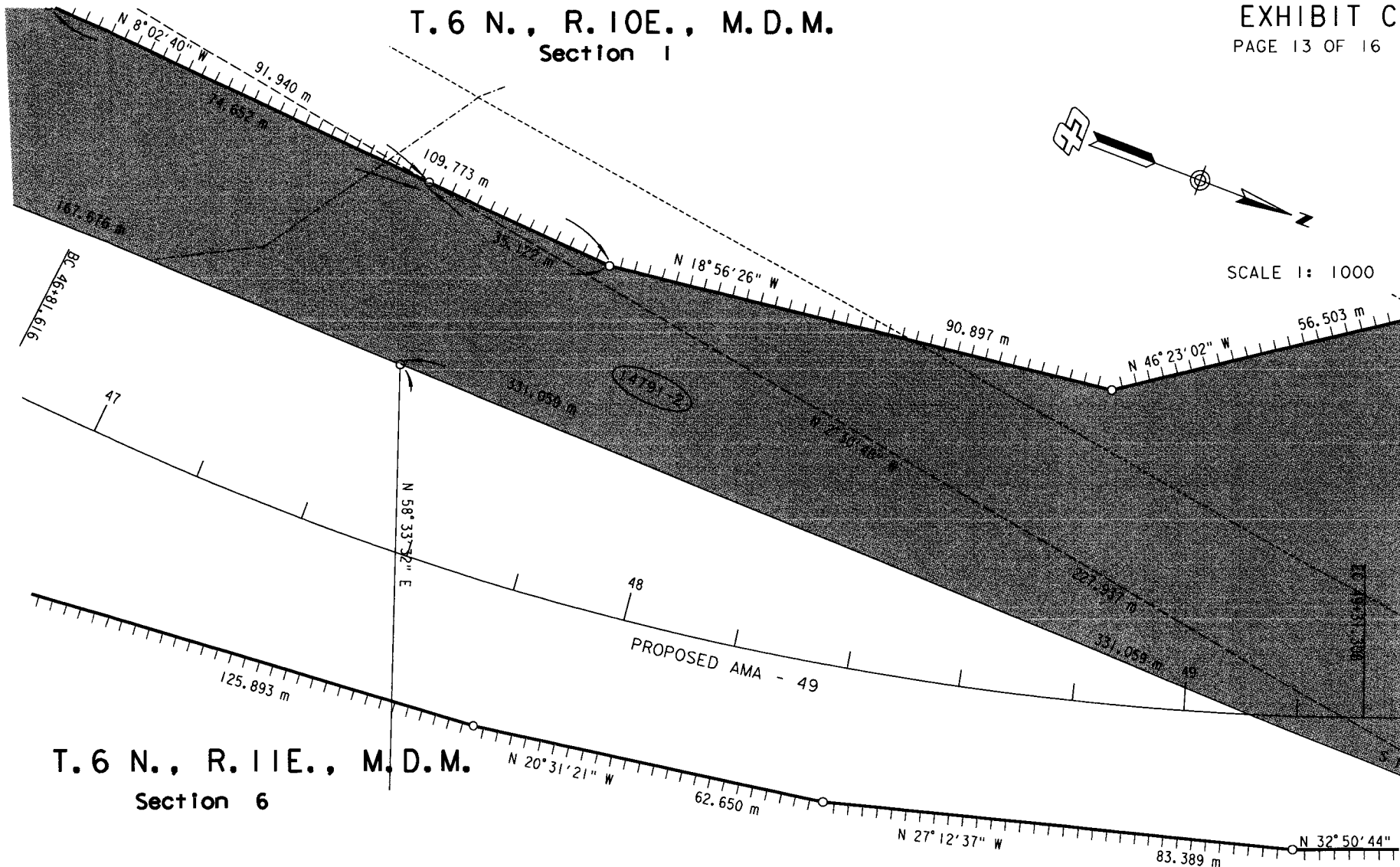
EXHIBIT C
PAGE 15 OF 16



**RESOLUTION OF
NECESSITY MAP**
10-AMA-49 K.P. R9.650

T. 6 N., R. 10E., M.D.M.
Section 1

EXHIBIT C
PAGE 13 OF 16



SCALE 1: 1000

T. 6 N., R. 11E., M.D.M.
Section 6

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 2. Units are in meters and bearings and distances are on grid. Multiply by 1.0000760 to convert to ground distances.

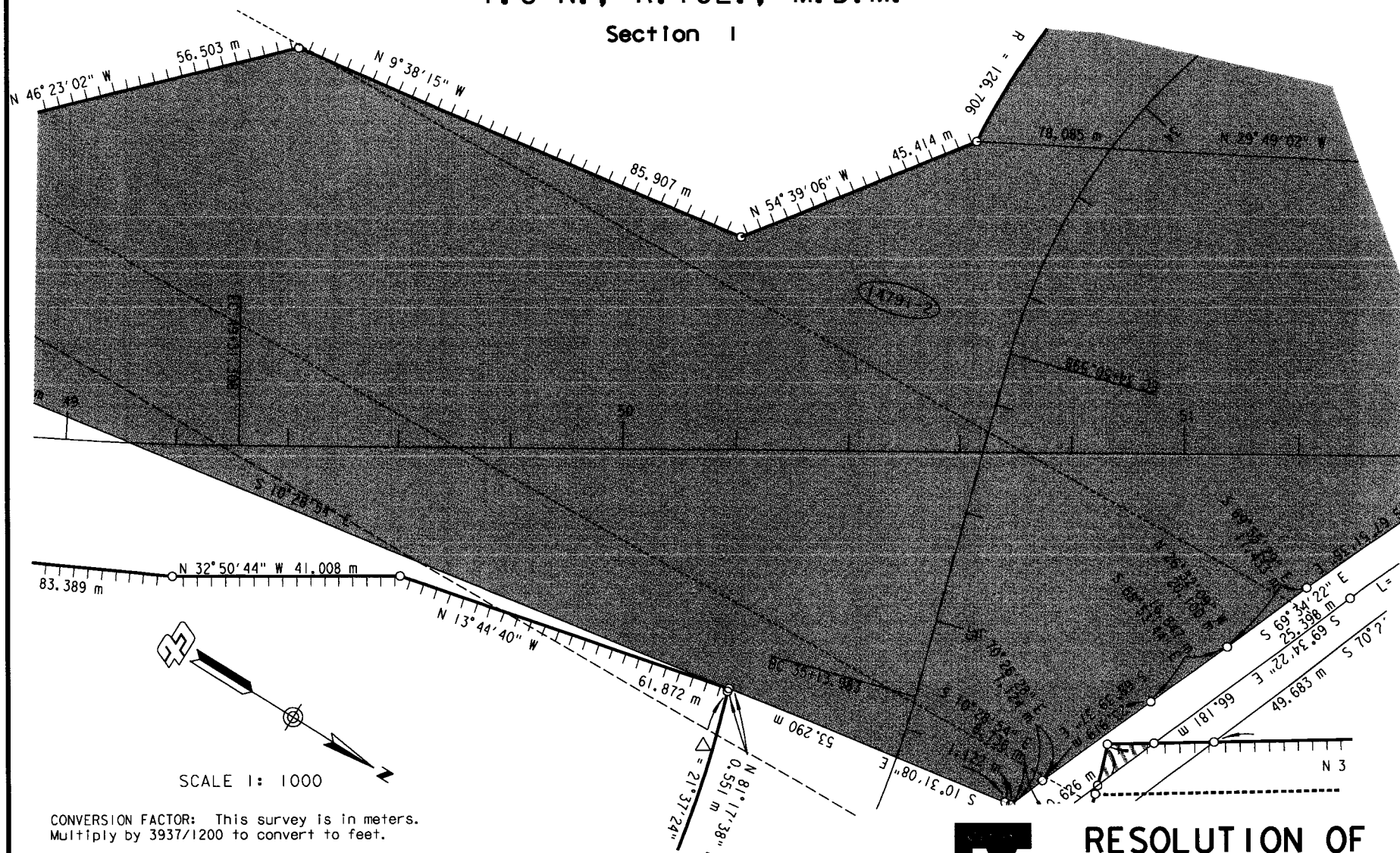


RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R9.650

T.6 N., R.10E., M.D.M.

Section 1



CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate
System of 1983, Zone 2. Units are in meters and
bearings and distances are on grid. Multiply by
1.0000760 to convert to ground distances.

Section 6

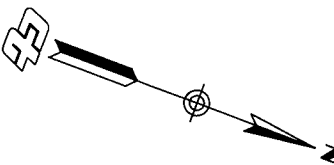
T.6 N., R.11E., M.D.M.



RESOLUTION OF
NECESSITY MAP

10-AMA-49 K.P. R9.650

EXHIBIT C
PAGE 12 OF 16



SCALE 1: 1000

T.6 N., R.11E., M.D.M.
Section 6.7

CONVERSION FACTOR: This survey is in meters.
Multiply by 3937/1200 to convert to feet.

This survey is based on the California Coordinate System of 1983, Zone 2. Units are in meters and bearings and distances are on grid. Multiply by 1.0000760 to convert to ground distances.



RESOLUTION OF NECESSITY MAP

10-AMA-49 K.P. R9.650